

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALAN PAUL DENNIS,

Defendant-Appellant.

UNPUBLISHED

October 24, 2006

No. 264787

Gogebic Circuit Court

LC No. 04-000189-FC

Before: Whitbeck, C.J., and Saad and Schuette, JJ.

MEMORANDUM.

Defendant appeals his sentences of four to 15 years in prison for his plea-based convictions of criminal sexual conduct in the second degree, MCL 750.520c(1)(b).¹ We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

In return for the dismissal of additional charges, defendant pleaded guilty to sexually touching his two adopted daughters, both of whom were between 13 and 16 years old at the time.

Defendant's sole argument on appeal is that he is entitled to resentencing pursuant to *Blakely v Washington*, 542 US 296; 124 S Ct 2531; 159 L Ed 2d 403 (2004). We disagree. In *People v Drohan*, 475 Mich 140; 715 NW2d 778 (2006), our Supreme Court reiterated that *Blakely, supra*, is inapplicable to Michigan's sentencing scheme. We are bound by this decision and defendant is not entitled to resentencing.

Affirmed.

/s/ William C. Whitbeck

/s/ Henry William Saad

/s/ Bill Schuette

¹ The offenses to which defendant pleaded guilty occurred prior to December 24, 1994; thus, defendant is entitled to an appeal of right from his sentences. Const 1963, art 1, § 20.